

**U.S.S.N. 09/887,281**  
**Banerjee *et al.***  
**AMENDMENT AFTER FINAL**

**IN THE CLAIMS:**

Please amend claim 1 to read as follows:

C 1.  
1. (Amended) A pharmaceutical composition, comprising formoterol, or a derivative thereof, in a pharmacologically suitable fluid, wherein the composition is stable during long term storage, the fluid comprises water, and the composition is formulated at a concentration suitable for direct administration to a subject in need thereof.

**REMARKS**

Any fees that may be due in connection with this paper, or with this application throughout its pendency, may be charged to Deposit Account No. 50-1213. If a Petition for an Extension of Time is required, this paper is to be considered such Petition.

Claims 1-61, 65-67, 71-73, 77-89 and 92-99 are pending. As noted below, claim 92 has not been cancelled and is pending herein. Claim 1 is amended herein. Basis for the amendment may be found, for example, in the specification at page 3, lines 13-17. No new matter has been added.

Applicant notes that a Petition pursuant to 37 C.F.R. §1.181 for reconsideration and removal of the finality of the instant Office Action was submitted on March 21, 2003. A Decision on the Petition has not as yet been issued. Applicant provides the following summary of the Petition below.

**PETITION FROM FINALITY OF OFFICE ACTION**

Applicant submitted a Petition pursuant to 37 C.F.R. §1.181 on March 21, 2003 for reconsideration and removal of the finality of the Office Action, mailed January 22, 2003, in connection with the above-captioned application. The Petition was timely filed within two months of the mailing of the final rejection.

It is respectfully submitted that the Office Action, mailed January 22, 2003 (hereinafter the Office Action), which was made final, introduces new